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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,025	01/29/2002	Paul Steabben Hepworth	20010326.ORI	5916

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EXAMINER

CHOI, STEPHEN

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/890,025

Applicant(s)

HEPWORTH, PAUL STEABEN

Examiner

Stephen Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. In view of applicant's amendment filed on 12 June 2003, claims 1-19 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. Since all claims have been rejoined, the restriction requirement made in Paper No. 5 is hereby withdrawn.

Specification

2. The disclosure is objected to because of the following informalities: The usual heading "Background of the Invention", "Summary of the Invention", etc. should be utilized.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓
"said slidable bar", "said slidable member", and "said locking lever" lack positive antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 6-8, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Shiotani et al. (US 5,293,802).

Regarding claim 1, Shiotani discloses all the recited elements of the invention including a base (2), cutting means (S), guide means having respective portions wherein one of the portions comprising relatively movable two components (407, 409, 30) and one side of an apparatus being linked to the other of the portions by means of a mechanical connection (see Figure 35, via 411). Regarding claim 2, a locking lever (404). Regarding claim 3, a grip bar (30), a slideable member having a surface (407), and at least one wing having a surface (300). Regarding claim 8, a clamp (414) and a lip (31g). Regarding claim 6, a pivot pin (405). Regarding claim 7, cam means (406).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiotani et al. (US 5,293,802) in view of Schnitzer (US 2,342,700).

Shiotani discloses the invention substantially as claimed except for a plurality of ribs and at least one complementary engagement rib. Schnitzer discloses a plurality of ribs (8) and at least one complementary engagement rib (14). It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to provide a plurality of ribs and at least one complementary engagement rib as taught by Schnitzer on the device of Shiotani in order to improve locking of guide means in a desired position.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiotani et al. (US 5,293,802) in view of Metzger, Jr. et al. (US 4,846,036).

Shiotani discloses the invention substantially as claimed including a slideable bar (411) and a guide fence (499). Shiotani fails to teach interengaging projection and slot means. Metzger discloses interengaging projection and slot means (see Figure 3, at 81). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide interengaging projection and slot means as taught by Metzger on the device of Shiotani in order to provide means for movably connecting the clamping assembly. Applicant should note that the limitation "slot means" is not in compliance with the Supplemental Guidelines published in the Official Gazette on July 25, 2000. Such limitations cannot be used to invoke 35 USC 112, 6th paragraph, and have therefore been given their broadest reasonable interpretation, without considering equivalence. The "means for" must be modified by functional language.

10. Claims 10-13, 16-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiotani et al. (US 5,293,802) in view of Denmead (US 1,826,056).

Shiotani discloses the invention substantially as claimed except for article location means. Denmead discloses article location means (31) including a right-angled recess (32), lips (see Figures 1-2), an arcuate slot (see Figure 2), and a clamping

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element (33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the article location means as taught by Denmead on the device of Shiotani in order to provide means for positioning the workpiece in a desired angle relative to a cutter. Regarding claim 17, the modified device of Shiotani discloses an indicator (protractor). However, the modified device of Shiotani fails to disclose the indicator provided at the guide means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the indicator on the guide means, since it has been held that rearranging parts of an invention involves only routine skill in the art.

11. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiotani et al. (US 5,293,802) in view of Denmead (US 1,826,056) as applied to claim 10 above, and further in view of Ruben (US 2,990,862).

The modified device of Shiotani discloses the invention substantially as claimed except for a slidable member. Ruben discloses a slidable member (8) to slidably move article location means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the slidable member as taught by Ruben on the modified device of Shiotani in order to provide means for slidably positioning the article locations means along the guide means to facilitate positioning of the workpiece.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Musselman, Wandvik, Bachmann et al., Strong, Peot, Roedig,

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Duginske, Arends, O'Banion et al., DE 3520309, and GB 2,303,820 are cited to show related devices.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Choi whose telephone number is 703-306-4523. The examiner can normally be reached on Monday thru Friday between 9am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302 (703-872-9303 for after final). Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

SC
June 19, 2003


Stephen Choi
Patent Examiner